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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 February 1991]

Conscientious objection and human rights law

1. In paragraph 83 of E/CN.4/1991/64 we are advised as to one Government's view that "the issue of conscientious objection has become a theoretical one for the United States".

2. If that view were publicized not only in the United States but also in other countries, many individuals who seek conscientious-objector status, as well as many groups whose expertise in the field is highly respected, would express astonishment. To suggest that "an all-volunteer military service system" means that no one, after enlistment, may object to any conduct required by "military duty" appears to be an almost perverse lawyers' argument.

3. It is true that conscientious objection often "flows from religious or ethical beliefs ... sincerely held by a person" (paragraph 85 of E/CN.4/1991/64). Yet if it be true also that "the United States does not believe that international law at this time requires States to grant conscientious objector status", one should infer perhaps that those responsible for what "the United States ... believe[s]" have not recently been counselled as to recognized requirements of the Universal Declaration of Human Rights and related instruments. See, for example, this Commission's resolutions 1987/46 and 1989/59, which articulate everyone's right to "conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion".

4. Since the advent of the 1990/1991 Gulf crisis there have been many reminders that the current war, like several recent wars, has evidenced needs to respect conscientious objection as a phenomenon that must be treated imaginatively and innovatively, not by disinterring some worn-out and degrading old dogmas.